

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for August 20, 2003 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #2030 Finigan View Community Unit Plan

**PROPOSAL:** A community unit plan for 8 residential units with waiver to the subdivision ordinance requiring a preliminary plat, to allow the Planning Director to approve administrative final plats and the approval of administrative final plats accepting the dedication of streets and private roadways are requested.

**LOCATION:** Northeast of the intersection of North 84<sup>th</sup> Street and Bluff Road.

**WAIVER REQUESTS:**

1. Requirement to submit a preliminary plat.
2. Requirement that final plats be based upon preliminary plats.
3. Requirement that final plats accepting the dedication of public streets and private roadways go to the Planning Commission.
4. Yard setbacks.
5. Minimum lot area
6. Ornamental street lighting.
7. Sidewalks.
8. Street trees.
9. Landscape screens.
10. Block length.

**LAND AREA:** 158.30 acres, more or less.

**CONCLUSION:** This is an Ag Community Unit Plan, proposing to “cluster” the allowed dwelling units to 8 acreage lots. Waivers requested are typical of a rural subdivision and are provided for in the code. No bonuses are being requested.

**RECOMMENDATION:**

Special Permit #2030

Conditional Approval

Waivers

- |    |   |          |
|----|---|----------|
| 1. | Requirement to submit a preliminary plat:                       | Approval |
| 2. | Requirement that final plats be based upon preliminary plats:   | Approval |
| 3. | Requirement that final plats accepting the dedication of public |          |

	streets and private roadways go to the Planning Commission	Approval
4.	Yard Setbacks:	Approval
5.	Minimum lot area:	Approval
6.	Ornamental lighting	Approval
7.	Sidewalks	Approval
8.	Street trees	Approval
9.	Landscape screens	Approval
10.	Block length	Approval

### **GENERAL INFORMATION**

**LEGAL DESCRIPTION:** Lot 4 I.T. located in the SW 1/4 and NW 1/4 of the SW 1/4 of Section 14-11-7; and the NE 1/4 of the SW 1/4 of Section 14-11-7; and Lot 11 I.T.; located in the SW 1/4 of 14-11-7; Lancaster County, Nebraska.

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USE:** Farmland

### **SURROUNDING LAND USE AND ZONING:**

North:	Farmland	AG
South:	Farmland, one house	AG
East:	Farmland	AG
West:	Farmland, one house	AG

**HISTORY:** Zoned AG in the 1979 zoning update

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Comprehensive Plan shows this area as Agriculture, Tier III. A cluster is permitted by special permit in the AG district. In relation to clustering in the Agriculture area, the Comprehensive Plan states:

“New ‘urban acreage’ development should only be permitted in Tier II and Tier III area of Lincoln and near towns under higher design standards based upon a “buildthrough” model and without use of sanitary improvement districts. The “build through” design standards should address, along with other items deemed necessary to the study:

- a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed

appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;

- a lot layout that meets the various elements of the Comprehensive Plan; and
- a development agreement that runs with the land and acknowledges that the acreage development (i) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate.

When the independent study to quantify and qualify the positive and negative economics of acreage development is completed, the county should determine if an impact fee or other development exactions are needed to be sure acreage development is paying its “fair share” of costs. The study should include a review of policy issues and options such as the build-through concept, lot size, acreage standards, acreages and town relationships, acreages and sensitive areas, agriculture, acreage clusters, desired acreage population, acreage size and land use consumption and AGR zoning. (page F79)

**UTILITIES:** None available.

**TOPOGRAPHY:** This is generally rolling land, draining to the southeast.

**TRAFFIC ANALYSIS:** Access to the site is provided by Bluff Road and North 84<sup>th</sup> Street. Both are county gravel roads. Neither is planned for future paving. The Plan does not call for 120' ROW at this location.

**PUBLIC SERVICE:** This is in the Waverly Rural Fire District, Waverly School District # 145 and Norris Public Power District.

**REGIONAL ISSUES:** Expansion of the acreage areas. Clustering to preserve farm land. Buildthrough in the growth tiers.

**ENVIRONMENTAL CONCERNS:** There are no identified Historic resources, The soil rating is 3.4 on a scale of 1-10 where 1-4 is prime soil. This is prime soil. This is within one mile east of the new LES peaking facility, the landfill and the northeast sewage effluent lagoons.

**AESTHETIC CONSIDERATIONS:** na

**ALTERNATIVE USES:** All uses allowed in the AG district. Seven 20+ acre lots.

**ANALYSIS:**

1. This request is for a Special Permit for a Community Unit Plan for 8 acreage residential lots. A gravel private street is proposed and individual sewer and water is proposed. A dwelling unit bonus is NOT being requested.
2. This request is in general conformance with the Comprehensive Plan. However, the buildthrough provisions are not addressed because there is currently no standard to apply. The clustering and set aside of a large outlot with no restrictive easement allows future growth. Since "buildthroug" standards have not been developed at this time, the Planning Department is following the Mayoral policy of June 11, 2002 where Mayor Wesely noted this type of development was allowed.
3. A waiver to the minimum lot area of 20 acres is requested. This is required to accomplish the clustering to 3 acre lots.
4. Waivers are requested for street lights, sidewalks, block length, street trees, and screening. These are typical waivers required, provided for and appropriate for agriculture/acreage clusters.
5. Pursuant to §26.31.015 "Coordinating Subdivision and Community Unit Plan, Planned Unit Development, Special Permit and Use Permit" of the Land Subdivision Ordinance the applicant requested a waiver to the requirement for a preliminary plat, and to allow the Planning Director to approve administrative final plats and the approval of administrative final plats accepting the dedication of streets and/or private roadways. In an effort to streamline the development review process and coordinate the review of the special permit and preliminary plat, the Planning Department supports this waiver request.
6. The County Engineers memo of July 21, 2003 notes several corrections required.
7. LES is requesting easements.
8. Health Department notes the water supply is adequate and the lots are sufficient in size to allow lagoons or non-standard on-site wastewater systems if required.
9. Public Works notes some questions. The lots noted have 340' of frontage and access to a residence do to the culverts should not be a problem.

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to:

1.1.1 Include in the waiver notes the waiver of block length

1.1.2 Show a location map.

1.1.3 Show a signed surveyors certificate.

1.1.4 Revise Note 6 to reference city/county standards.

1.1.5 Revise Note 8 to reference LES, not Norris.

1.1.6 Show an acceptable street name for the private street.

1.1.7 Revise Note 9 to provide an exception for farm field access, not an exclusion.

1.1.8 Amend note 10 to reflect "whichever is lesser" for the rear yard.

1.1.9 Show the easements required by LES in their memo of July 25.

1.1.10 Show the revisions required in the County Engineers memo dated Jul21, 2003;

1) Dedication of 50' of right of way with a 10' clear area designated on Lots 1 and 8.

2) A profile of North 84<sup>th</sup> Street shall be submitted showing adequate sight distance of the private roadway.

3) Private roadway is not named.

4) Intersection radius at North 84<sup>th</sup> Street shall be 50.00'.

5) Culverts shall have a flared-end sections or concrete headwalls on inlet.

6) Permanent easements shall be dedicated for culvert ends that extend beyond the road right-of-way.

7) The street profile has elevations identified as F.L. that are incorrect.

8) The 100 year headwater for the culvert at Sta. 8+80 is within 0.5 foot of the shoulder at the low point of the road at Sta. 9+45. The inlet elevation should be field verified.

9) The description of the section corners on the site plan have the wrong township.

10) The distance shown for the east line of Lot 3, Irregular tract, is incorrect.

11) General Note 9 shall include relinquishment of access to Bluff Road, excluding farm operations.

1.1.11      Revise the profile for the proposed private roadway to extend for 300' past the proposed end of surfacing to show future grade.

1.2      Show the easements requested by LES in their July 25, 2003 review.

2.      This approval permits up to 8 dwelling units and the following modifications and waivers:

2.1      Minimum lot area

2.2      Yard setbacks

2.3      Ornamental lighting

2.4      Sidewalks

2.5      Street Trees

- 2.6 Landscape trees
  - 2.7 Requirement to submit Preliminary Plat.
  - 2.8 Grant authority to the Planning Director to approve an administrative final plat based upon the approved CUP.
  - 2.9 Grant authority to the Planning Director to approve an administrative final plat accepting the dedication of private roadways.
  - 2.10 The waiver of the preliminary plat shall only be effective for a period of ten years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
3. Administrative Final Plats will be approved by the Planning Director after:
- 3.1 The subdivider has completed or posted a surety to guarantee the completion of the private roadway improvements, drainage facilities, land preparation and grading, sediment and erosions control measures, drainageway improvements, temporary turnaround and barricades, and street name signs.
  - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
    - 3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
    - 3.2.2 To complete the private improvements shown on the Community Unit Plan.
    - 3.2.3 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon

creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

- 3.2.4 To submit to the lot buyers and home builders a copy of the soil analysis and water study.
- 3.2.5 To pay all improvement costs.
- 3.2.6 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.7 To protect the trees that are indicated to remain during construction and development.
- 3.2.8 To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- 3.2.9 To relinquish the right of direct vehicular access to 84<sup>th</sup> Street except for the street on Outlot "B" and a farm access to Outlot "A" and to Bluff Road except for farm access to Outlot A.

General:

- 4. Before receiving building permits:
  - 4.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies.
  - 4.2 The construction plans shall comply with the approved plans.
  - 4.3 Administrative Final Plats shall be approved by the Planning Director.



Standard:

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 5.2 Before occupying this Community Unit Plan, City/County Health Department is to approve the water and waste water systems
  - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

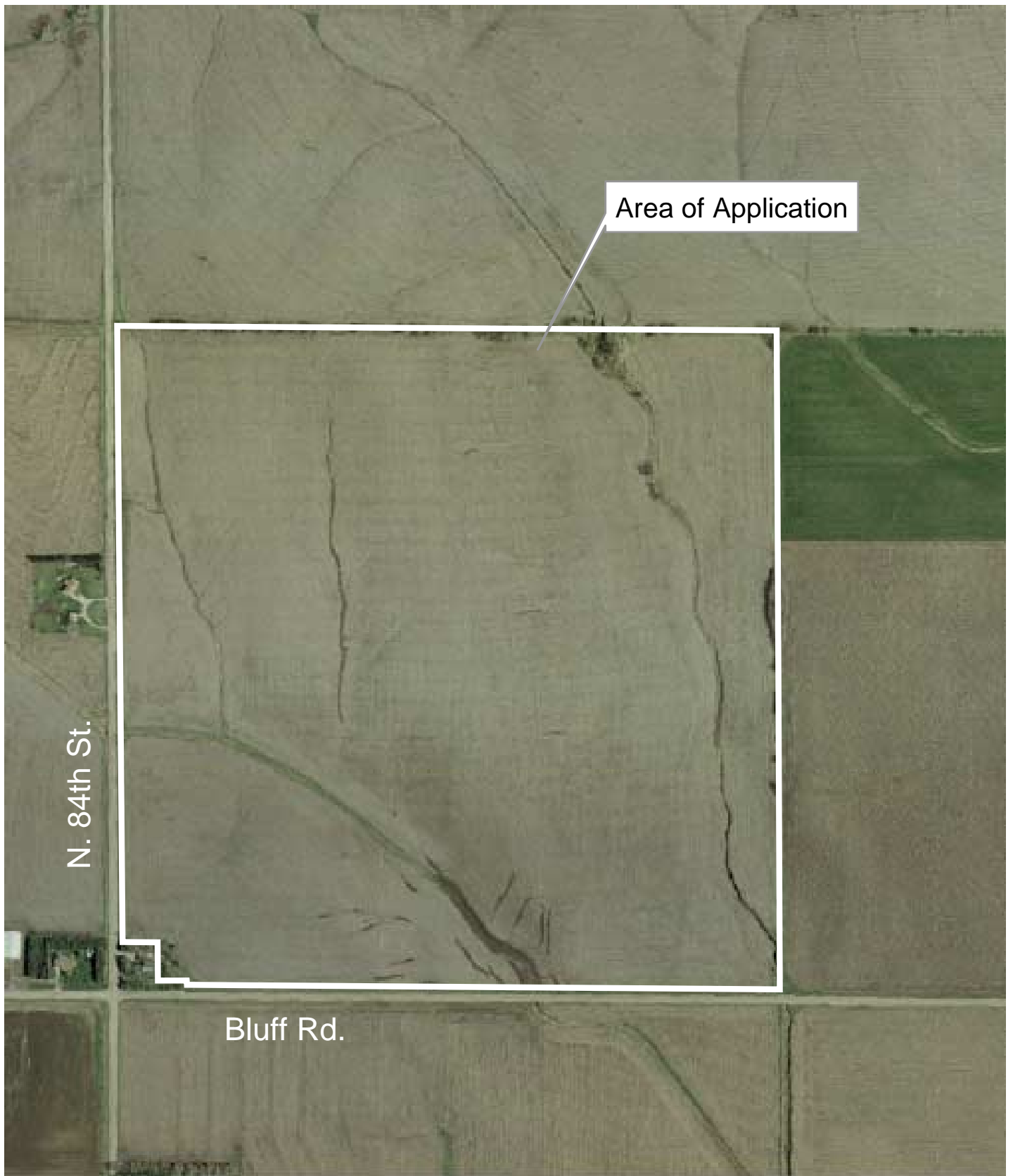
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Mike DeKalb  
Planner  
August 05, 2003

**APPLICANT/  
OWNER:**

Pearle F. Finigan  
6321 "A" Street  
Lincoln, NE 68510  
(402) 483 -4657

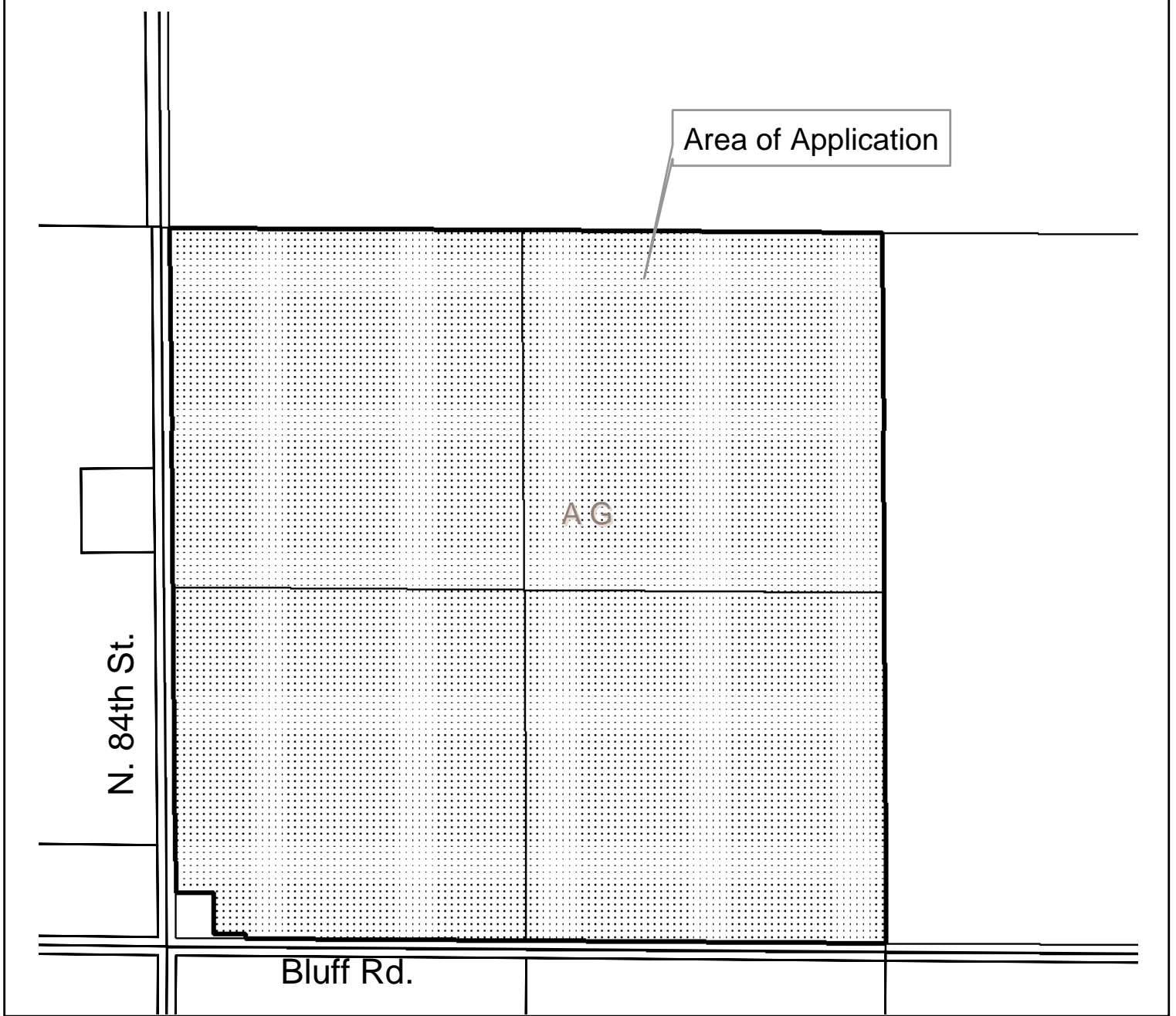
**CONTACT:** Lyle Loth  
ESP  
601 Old Cheney Road, Suite A1  
Lincoln, NE 68512  
474-6311

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**Special Permit #2030  
N. 84th St. & Bluff Rd.  
Finigan View CUP**



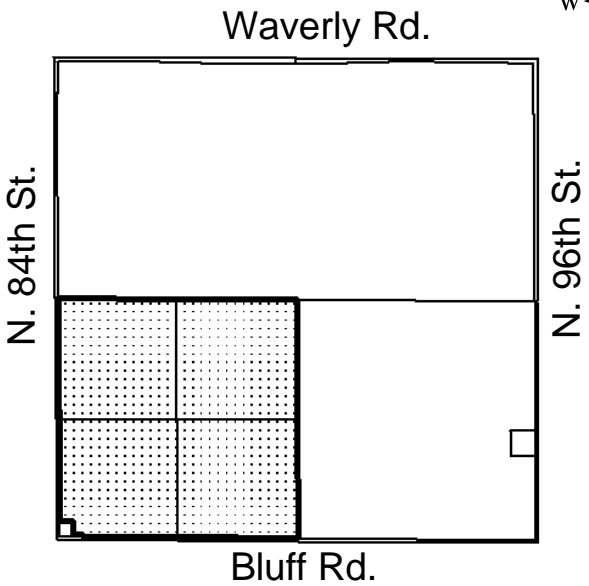
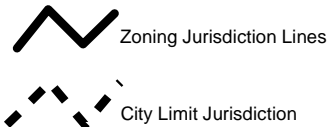


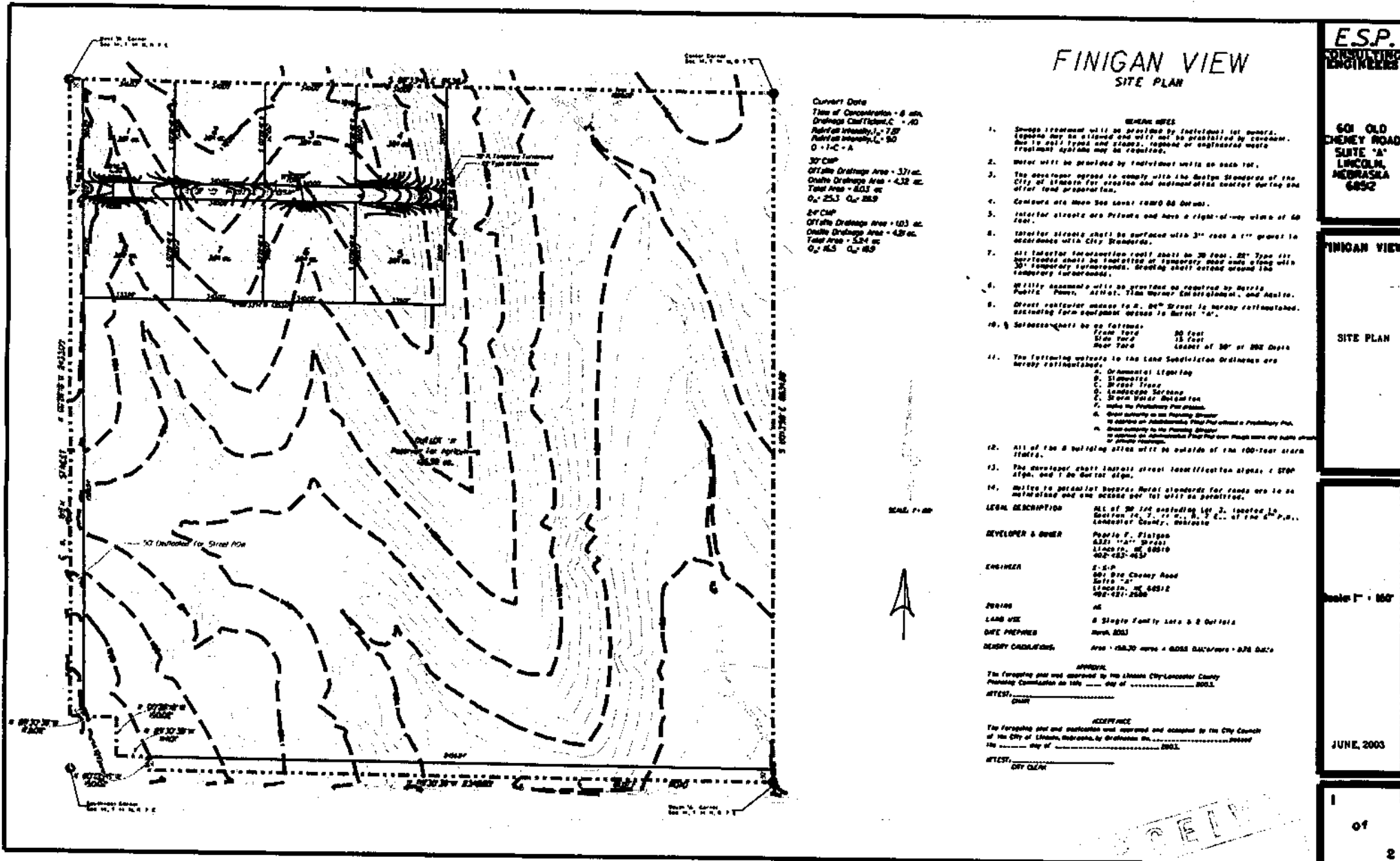
# **Special Permit #2030** **N. 84th St. & Bluff Rd.** **Finigan View CUP**

## **Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
 Sec. 14 T11N R7E





**Special Permit #2030**  
**N. 84th St. & Bluff Rd.**  
**Finigan View CUP**

**ESP.**  
**CONSULTING**  
**ENGINEERS**

**601 OLD CHENEY ROAD**  
**SUITE "A"**  
**LINCOLN, NEBRASKA**  
**68512**

**FINIGAN VIEW**

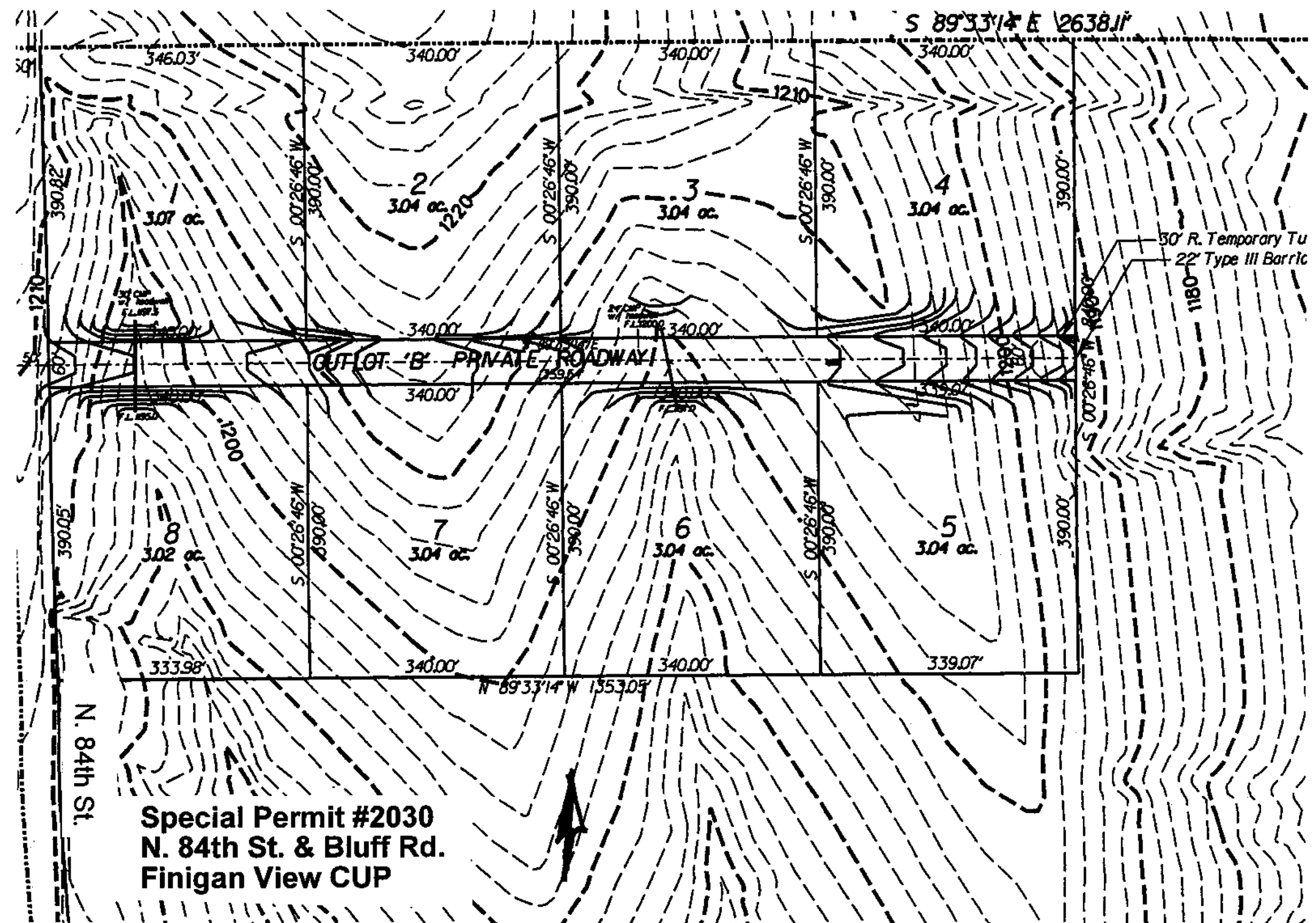
**SITE PLAN**

**Scale: 1" = 100'**

**JUNE, 2003**

**of**

**2**

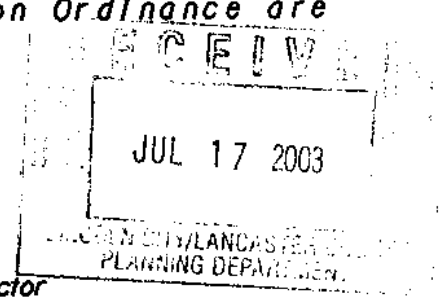


**Special Permit #2030**  
**N. 84th St. & Bluff Rd.**  
**Finigan View CUP**

**- GENERAL NOTES**

1. Sewage treatment will be provided by individual lot owners. Lagoons may be allowed and will not be prohibited by covenant. Due to soil types and slopes, lagoons or engineered waste treatment systems may be required.
2. Water will be provided by individual wells on each lot.
3. The developer agrees to comply with the Design Standards of the City of Lincoln for erosion and sedimentation control during and after land preparation.
4. Contours are Mean Sea Level (NAVD 88 Datum).
5. Interior streets are Private and have a right-of-way width of 60 feet.
6. Interior streets shall be surfaced with 3" rock & 1" gravel in accordance with City Standards.
7. All Interior Intersection radii shall be 30 feet. 22' Type III barricades shall be installed at temporary dead ends along with 30' temporary turnarounds. Grading shall extend around the temporary turnarounds.
8. Utility easements will be provided as required by Norris Public Power, Alltel, Time Warner Entertainment, and Aquila.
9. Direct vehicular access to N. 84<sup>th</sup> Street is hereby relinquished, excluding farm equipment access to Outlot 'A'.
10. Setbacks shall be as follows:

Front Yard	50 feet
Side Yard	15 feet
Rear Yard	Lesser of 50' or 20% Depth
11. The following waivers to the Land Subdivision Ordinance are hereby relinquished:
  - A. Ornamental Lighting
  - B. Sidewalks
  - C. Street Trees
  - D. Landscape Screens
  - E. Storm Water Detention
  - F. Waive the Preliminary Plat process.
  - G. Grant authority to the Planning Director to approve an Administrative Final Plat without a Preliminary Plat.
  - H. Grant authority to the Planning Director to approve an Administrative Final Plat even though there are public st or private roadways.
12. All of the 8 building sites will be outside of the 100-Year storm limits.
13. The developer shall install street identification signs; 1 STOP sign, and 1 No Outlet sign.
14. Notice to potential buyers; Rural standards for roads are to be maintained and one access per lot will be permitted.





File No. 03-0260  
July 17, 2003

Mike Dekalb  
Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

**LYLE L. LOTH, P.E./L.S.**

Suite A - 601 Old Cheney Road  
Lincoln, NE 68512

Phone (402) 421-2500  
Fax (402) 421-7096

Email: lyle@espeng.com

Re: Finigan View Community Unit Plan

Dear Mike:


On behalf of Pearle Finigan, we submit herewith the required plans for the referenced project.

In addition, we have submitted an Ownership Certificate and the filing fee of \$355.00. We hereby request the following waivers for this project:

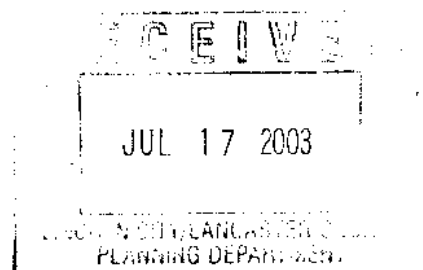
- (1) Ornamental Lighting
- (2) Sidewalks
- (3) Street Trees
- (4) Landscape Screens
- (5) Waive the Preliminary Plat process
- (6) Grant the Planning Director authority to approve an Administrative Final Plat conforms to the Special Permit for the Community Unit Plan.
- (7) Grant the Planning Director authority to approve Administrative Final Plat even though there are public streets or private roadways.

We have submitted water test data to Jerry Hood at the Lincoln Lancaster County Health Department, which indicates that there is an adequate supply of potable water available to serve this project.

E-S-P, Inc.  
Engineering-Surveying-Planning



Lyle L. Loth, P.E.








Lancaster  
County

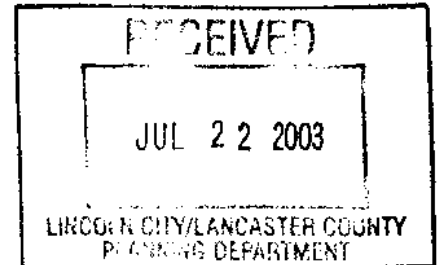
Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY - LARRY V. WORRELL  
COUNTY SURVEYOR

**DATE:** July 21, 2003  
**TO:** Mike DeKalb  
Planning Department  
**FROM:** Larry V. Worrell   
County Surveyor  
**SUBJECT:** FINIGAN VIEW - CUP



Upon review, this office would have the following comments:

- 1) Dedication of 50' right-of-way with a 10' clear area designated on Lots 1 and 8
- 2) A profile of North 84<sup>th</sup> Street shall be submitted showing adequate sight distance for private roadway
- 3) Private roadway is not named
- 4) Intersection radius at North 84<sup>th</sup> Street shall be 50.00'
- 5) Culverts shall have flared-end sections or concrete headwalls on inlet
- 6) Permanent easements shall be dedicated for culvert ends that extend beyond the road right-of-way
- 7) The street profile has elevations identified as F.L. that are incorrect
- 8) The 100 year headwater for the culvert at Sta. 8+80 is within 0.5 foot of the shoulder at the low point of the road at Sta. 9+45. The Inlet elevation should be field verified
- 9) The description of the section corners on the site plan have the wrong township
- 10) The distance shown for the east line of Lot 3, irregular tract, is incorrect
- 11) *General Note 9* shall include relinquishment of access to Bluff Road, excluding farm operations

LWW/DP/cm

SUBDIV.WK/Finigan View CUP.Mem

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Mike DeKalb

**DATE:** July 29, 2003

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

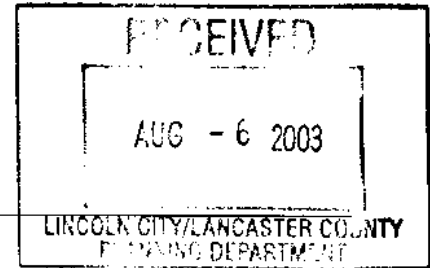
**CARBONS TO:** EH File  
EH Administration

**SUBJECT:** Finigan View  
SP #2030

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed Finigan View development with the following items noted:

- All soil on the propose site is Sharpsburg.. Sharpsburg soil has severe limitations for the installation of standard septic systems. *The applicant has addressed this issue in the general notes.* Lagoons or non-standard on-site wastewater systems may be required.
- Information provided to the LLCHD by the applicant indicate that an adequate supply of potable water exists for this project.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter. *The applicant has addresssed this issue in the general notes.*
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

# M e m o r a n d u m



**To:** Mike DeKalb, Planning Department  
**From:** *CB* Chad Blahak, Public Works and Utilities  
**Subject:** Finigan View Special Permit  
**Date:** August 5, 2003  
**cc:**

Engineering Services has reviewed the special permit for Finigan View, located approximately ½ mile north of Bluff Road east of North 84th Street, and has the following comments:

- The lot layout as shown creates two lots, Lot 6 & Lot 8, that have culvert outlets in the center of the lot, making designing an access to the road difficult and creating rather undesirable lots. Consideration needs taken to adjust the lot layout in order to place the culverts at lot lines.
- The proposed private roadway shown is longer than 1320 LF creating a block longer than the 1320' allowable block length.
- The profile for the proposed private roadway needs to be extended for 300' past the proposed paving to show future grade.



**UTILITIES DEPARTMENT**

**PUBLIC WORKS AND**



***MEMORANDUM***

**Da**

**Fro**

***Subj***

July 28, 2003

Mike DeKalb  
Ben Higgins, Chad Blahak

Devin Biesecker

***Finigan View***

Watershed Management has reviewed the two sheet plan set for the **Finigan View Preliminary Plat** stamped July 17, 2003 and has the following comments.

1. Lots 6 and 8 each have a culvert outlet centered on the lot along with a drainage swale through the middle of each lot. Since the middle of the lot is the most likely place for building a home the culvert and drainage swale in the middle may make the lots undesirable and could also cause problems with drainage after the homes are built. Moving the drainage and culverts to the lot lines by grading or by changing the layout of lots is recommended.



INTER-DEPARTMENT COMMUNICATION

DATE July 25, 2003

TO Mike DeKalb, City Planning

FROM Sharon Theobald  
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS  
Special Permit #2030  
DN #125N-85E

Attached is the Site Plan for Finigan View.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

A handwritten signature in cursive script, reading "Sharon Theobald".

ST/nh  
Attachment  
c: Terry Wiebke  
Easement File

